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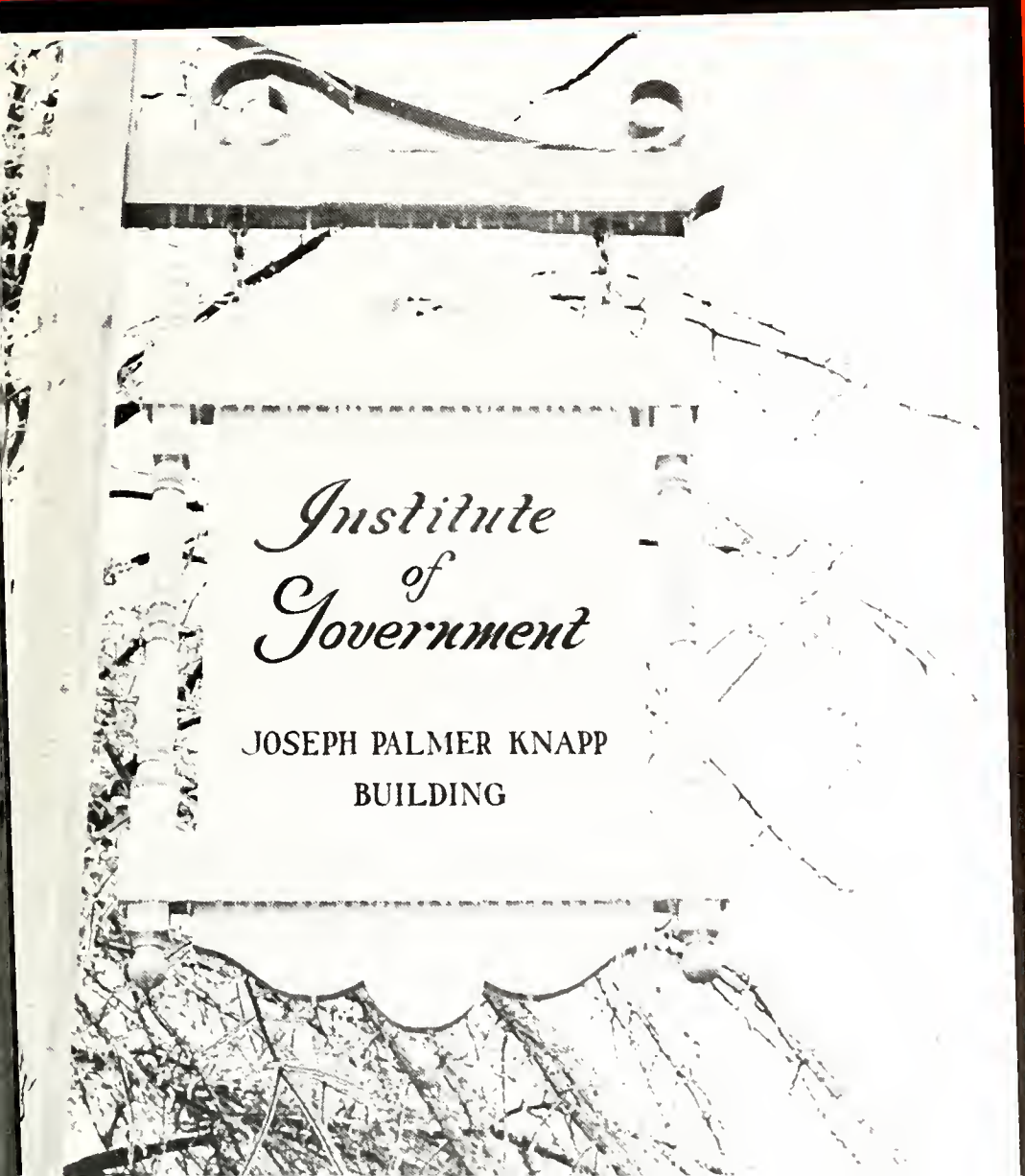

This month

POPULAR GOVERNMENT / Published by the Institute of Government

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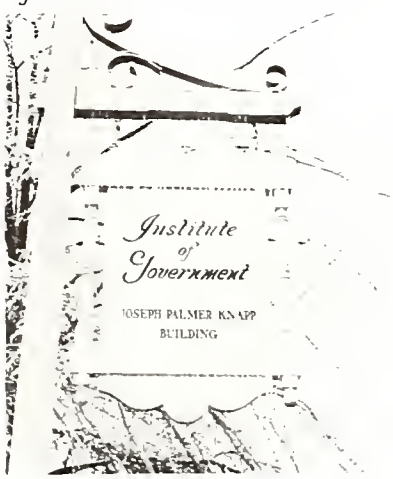
The sleet storm that frosted North Carolina with ice did not pass the Institute of Government by. This month's cover photo is by Carson Graves.



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development within conservation

By Arthur W. Cooper

YOU MAY BE SURPRISED to learn that many conservationists feel that there is no essential conflict between conservation and development of natural resources. Wise development necessarily means conservation. But clearly we have not been wise about development in the past. Conservation and development sometimes have conflicted and natural resources have often been unwisely used. What has been awry is the philosophy that has guided our development of natural resources, and it is in reordering this philosophy that I think the conservationist can make his greatest contribution. His philosophy can provide us with a rational approach to resource development.

Conservationists are a heterogeneous lot. The difference between the attitudes and motivations of the Carolina Bird Club and the Wildlife Federation is very great—each with its own validity. Nevertheless, there are some common threads that run through all conservation activity.

Probably 20,000 people in North Carolina belong ton one or another conservation organization and thus might be called conservationists. But in view of the present concern about the environment, I am sure that we could muster a great many more to support the general points I will make. The average conservationist in North Carolina is an amateur. He pays money to belong to an organization and he donates his own time, and money, to pursue those goals that he thinks important. Except for wildlife-oriented groups, who often have clear personal interests at stake, the conservation community is altruistic and thus is concerned with principles rather than personal interests.

THE FUNDAMENTAL PRINCIPLE that underlies the conservationist's attitude toward the relationship between conservation and development is that development should always proceed **within** a conservation framework. We feel that this is the only way that adequate checks can be developed that will insure protection of our resources. When pure development philosophies and motives, as they have been practiced, play the prime role in decision-making about resources, then resources are automatically doomed to an accelerating rate of destruction. Our belief that conservation considerations should be placed first in any decision regarding resource use rises from our deep concern for the quality of our future environment. Our environment sustains us—without a clean, healthy environment we cannot survive. If we lose track of this fact, we doom ourselves.

Let me explain what I mean by a "conservation philosophy" and a "conservation framework." Conservationists are ecologists at heart, sharing the realization that nature is infinitely complex and that natural phenomena are interconnected in complicated systems. Furthermore, we share the belief that ecological principles provide us with some basic ground rules by which we can conduct our programs of environmental management.

The author, who is a professor of botany at North Carolina State University and chairman of the Conservation Committee of the North Carolina Academy of Science, spoke before the Legislative Orientation Conference held at the Institute of Government in December.

For example, ecologists tell us that all living things exist as small parts of complex, larger systems. Because this is true, each organism is affected by what happens to each other organism. When we dump mercury into a river, molecules of that substance are picked up by minute plants. Insects eat the plants and obtain the mercury from them. Although they may eat plant materials that contain only small amounts of mercury, the insects eat enough of these materials so that the concentration of mercury in their bodies becomes greater than that in the plants. Fish eat the insects and further concentrate the mercury. Thus, the fish we take from a polluted river may contain mercury levels that are potentially poisonous to human life despite the fact that the concentration of mercury in the water may be far lower.

Population growth serves as another example. We know from the study of animal populations that there is a maximum number of individuals of any kind that can be supported by a given environment. This upper limit is known as the carrying capacity. When the numbers of individuals of a species exceed the carrying capacity, starvation and wholesale death is the result. Furthermore, the functioning of the animals may be very much upset when the numbers of individuals merely approaches the carrying capacity and resources become scarce, so that competition for them becomes more rigorous.

The point is that ecological principles, upon which the conservationist builds his philosophy, provide us a strategy for planning the use of natural resources. What we must do is approach all development with certain questions: "What will be the effect of this activity upon our environment?" "What are the environmental implications of this proposal?" We must make every effort to predict what side effects, in environmental terms, a given type of development will produce. With these considerations before us, we can proceed to other relevant issues.

MOST AWARE PEOPLE will agree that such a philosophy has not guided our state in the past. We have rushed toward development of our resources without any deep thought as to the consequences of what we were doing. In many cases, the environmental considerations have been brought to light only after we are so thoroughly committed to a project that there is no turning back no matter how disastrous it might turn out to be. This point of view can be defended with respect to the controversial New Hope Dam project. If it could be demonstrated that water in the lake behind the dam would be so polluted that it would be of no use for drinking or recreation, and even if it were clear that the needed corrective work could not be carried out before the dam is to be completed, it is doubtful even then that we could hold up the project. We are too deeply committed to it. On the national level, the SST debate illustrates the same point. Too many jobs depend on the plane for dumping it completely to be politically attractive. We must avoid commitment to projects with serious environmental effects before those effects have been adequately studied.

It is precisely this point that stimulates most conservationist activity and it is precisely this point that makes conservationists appear negative in their activity. We are often forced into reacting to negative features of a project that was poorly thought out and in which the environmental implications were inadequately considered. Highways are planned in secret and have reached an advanced stage of planning before the public is ever told of them. This same practice used to hold true for siting power plants. Fortunately, this is changing.

It is worth pointing out that not once in North Carolina in recent times have the objections of conservationists to a proposed project proved not to be well-founded and important considerations. This is said not to boast but to emphasize the fact that we are responsible and hardly capricious in our activity. That we appear to be against so many things is due to the way environmental planning has operated. We do not have the opportunity to comment on projects until they are very far along.

The truth of this contention can be shown by several recent cases. In the debate over land-swapping between Raleigh-Durham Airport and Umstead Park, the position of conservationists has been clearly vindicated. We maintained for several years that the swap proposed by the Airport Authority was, in fact, a farce and would do serious environmental damage to the Park. When we finally

had a full public hearing before the Governor's Committee on Economics and the Environment, our position was upheld. That Committee recognized that there would be serious implications for the Park and recommended that the State Parks Committee develop an alternate plan. The State Parks Committee rejected, out of hand, the Airport Authority proposal, saying that it was not in the best interests of the citizens of North Carolina because the land offered in trade was of little use, because noise levels would render totally useless all major facilities of the Park, and because the state had a legal and moral obligation to protect the Park land. These were precisely the contentions of conservationists!

In the case of the New Hope Dam every comment that has been made after the issue of water quality was raised by Professor James Wallace has substantiated his contention that water quality in the reservoir will be very bad, a point acknowledged by almost everyone speaking at the dedication.

In short, conservationists do not speak out except when a relevant, vital environmental issue has been clearly disregarded by someone, or some agency. We will stand on our record of responsibility and accuracy.

FORTUNATELY THE CLIMATE of opinion is changing in North Carolina. The record of the present administration, and particularly the Department of Conservation and Development, clearly indicates that the environment is being taken into consideration in planning for development. The last session of the General Assembly showed a clear concern for the environment, passing many bills that have had important effects, both short and long term.

In this regard, I might suggest some of the things that you may find conservationists doing in the near future. We will become politically much more active. I suspect that you will see more of us testifying before you this spring than you have in the past. Hopefully, we will have something useful to say. I know that our remarks will be more constructive, less negative, because you will find a number of well-conceived environmental bills before you. We will support a strong mining bill, an environmental bill of rights, appropriations for acquisition of state park land, and a strong, comprehensive program of land-use controls for the coastal zone. But we will continue to oppose special-interest legislation or resource-use proposals in which inadequate consideration has been given to environmental implications.

Probably you will see us more active on the legal front than we have been. Most conservationists feel that the courts are the arena in which most of the meaningful conservation battles of the near future will be fought, and won. Such recent legislation as the National Environmental Policy Act, standing-to-sue rulings, and a rejuvenated Rivers and Harbors Act has given us new tools. We intend to use them. The New Hope Dam issue was raised within the context of the National Environmental Policy Act by a concerned citizen who used the legal tools given him by Congress to redress what he saw as a grievous environmental problem. We will work hard to pursue our goals within the legal framework available to us. How far we can go along these lines remains to be seen. We lack money, to be frank, and of course money is a prime need for legal action.

CONSERVATIONISTS REALIZE as well as anyone that solving environmental problems is not simple. We are not looking for simple answers. What we want to do is force society to examine itself and to question the practices and philosophies that have guided it in the past. We are asking for a re-examination of our goals, our personal lives, and our philosophy.

We in the United States have been guided by a philosophy of growth. We have felt that unlimited and continued growth is not only possible but desirable. In an ecological sense, this is simply not rational. Every population has its upper limit where it approaches the carrying capacity of its environment. Man is clearly approaching his. This philosophy of unlimited growth and exploitation of resources was sound when we were a young nation —when there were almost unlimited resources and we could move on when we became too crowded. But now there is no place to go and our resources are diminishing. For example, how can we permit, or even expect, continued growth of industries that consume electric power when we clearly have an acute national power shortage? The thought of electric combs and toothbrushes in a time of national power shortage is ludicrous at the very best and diminishes our national dignity.

We clearly must begin to think in terms of decelerating our growth. I do not mean that we must cease to strive for better lives or for spiritual and

(Continued on Page 20)

SELECTION OF JUDGES

REPORT

of the

COURTS COMMISSION

to the

1971 GENERAL ASSEMBLY

part 1

A brief examination of the shortcomings of North Carolina's system of selecting judges is a prerequisite to evaluating alternative methods of selection. Our Constitution requires that judges be elected by the people, but vacancies in judicial ranks that occur between elections are to be filled by appointment of the Governor. In operation, this nominally elective system turns out to be primarily an appointive one, with the Governor, at his discretion, making the initial (and nearly always permanent) selection of new judges. This is because the great majority of vacancies occur not at the expiration of a term but in mid-term, by death, resignation, or retirement.[1] Not one of our sixteen appellate judges first reached his present position by election, and over 80 percent of our present superior court strength was first appointed by the Governor to fill a vacancy. Nationally, the figures for elective judges are about the same; most of them are first appointed to the office, and they stay in office through election and re-election. The point is that the label of a democratically chosen judiciary serves to camouflage a predominantly appointive system—in which the appointive official's personal judgment is legally uncontrolled and absolute. This is sometimes called "one-man judicial selection." The Governor of North Carolina has more power to appoint judges than the President of the United States, although, constitutionally, the federal system is appointive and the North Carolina system is elective.

In this system, it is inescapable that the professional qualifications of a candidate for a judicial vacancy will sometimes be subordinated to his political appeal. Political attractiveness and professional fitness are frequently found in the same man, of course, but a selection system that realistically aims at reversing the priorities—or, better still, that makes fitness for office the *only* consideration—would strengthen the administration of justice.

1. The district court system, while too new to support this conclusion statistically, should also eventually generate a significant number of mid-term vacancies.

A judge has no constituency except the unenfranchised lady with the blindfold and scales, no platform except equal and impartial justice under law.

Maurice Rosenberg, Mayor Lindsay's NYC Committee on the Judiciary, *The Qualities of Justices—Are They Strainable?* 44 TEX. L. REV. 1063 (1966)

When we talk about reform in judicial selection, we should first determine what it is that we are seeking. We must acknowledge, on the basis of a long history, that any system of judicial selection, no matter how bad, will, from time to time, produce many qualified judges—and even some outstanding judges. . . . However, the election of some excellent judges does not prove that the best—or even that a good—method of selecting them is in operation. . . . Most of the agitation to change methods of selection comes from a desire to keep out [mediocrities]. But it is not enough for a system of judicial selection to aim at exclusions. . . . It should be affirmative and positive—providing a means of bringing to the bench, not haphazardly or occasionally but as consistently and routinely as possible, the very best talent available and willing to serve.

Judge Samuel I. Rosenman
Address, American Judicature Society, 1964

The quality of the judiciary in large measure determines the quality of justice. . . . No procedural or administrative reforms will help the courts, and no reorganizational plan will avail unless judges have the highest qualifications, are fully trained and competent, and have high standards of performance.

President's Commission on Law Enforcement and Administration of Justice
THE COURTS 146 (1968)

Avoiding a catastrophic choice [in selecting judges] is essential, but it is not enough. A judge need not be vicious, corrupt, or witless to be a menace in office. Mediocrity can be in the long run as bad a pollutant as venality, for it dampens opposition and is more likely to be tolerated. Judicial office today demands the best possible men, not those of merely average ability who were gray and undistinguished as lawyers and who will be just as drab as judges.

Maurice Rosenberg, *supra.*

It is generally conceded that some of the most highly qualified lawyers refuse to make themselves available for judicial office. One of the reasons, of course, is money. For the outstanding practitioner who would be a credit to the bench, judicial salaries are not, and perhaps never will be, as attractive as the money to be earned in private practice. But a more frequently heard reason why leaders of the bar in private practice will not consider a judicial career is the possibility of having to engage in partisan political campaigns. Campaigning can be expensive, and it requires political know-how in a degree not always present in the best-qualified judicial candidates. And defeat in a campaign, after four, eight, or perhaps more years on the bench, can result in the need to rebuild a private practice in middle age, at severe financial sacrifice.

In the usual political election, there are few if any public issues on which the judge can—or should—campaign. Judges are not like legislators—they do not formulate public policies. As administrators of the law, judges can find it embarrassing, even unethical, to take sides on political issues that may eventually come to litigation in their courts. Campaigning of this sort is inappropriate, to say the least, and demeans both the office and the individual. While this kind of activity has not been as common in North Carolina as in many states, judicial candidates in

North Carolina must nevertheless closely identify themselves with, and financially support, a political party. This would be all to the good if this participation on the part of the judge succeeded in informing the voters of the judge's qualifications for office. Studies made of the level of voter information about judicial nominees are uniformly discouraging, however. And in our own state, how many voters in last November's election were well informed as to the qualifications of the twenty-nine judges on the state ballot? How many voters can even remember the names of the candidates—even one of them?

Alternatives to Partisan Elections

There are several alternatives to the election of judges by partisan means, as is prescribed by law. Perhaps the most obvious is to eliminate vacancy appointments by the Governor, letting vacancies be filled only at the next regular election. This would make the facts fit the concept prescribed in the Constitution and statutes. But vacancies accumulating between elections could lead to intolerable backlogs, and in a district hard hit by deaths or retirements, justice might break down altogether. On the other hand, prompt filling of vacancies at special interim elections would be prohibitively expensive, and perhaps carry the concept of Jacksonian Democracy further than even its founders intended.[2]

Second, judges in some states are appointed by the chief executive with or without confirmation by the legislative branch. In practice, North Carolina's judges are initially selected by executive appointment, without confirmation, more frequently than by partisan political election. For a variety of reasons we have already briefly reviewed, this combination of selective systems fails occasionally to place on the bench the most highly qualified possibilities for judicial office. And the appointment-by-the-executive confirmation-by-the-Senate system has not caught on in many states. Perhaps a reference to the federal system, dominated by the institution of senatorial courtesy and its frequent stalemates, is adequate explanation why.

In four states, including Virginia and South Carolina (and North Carolina before 1868), judges are elected by the legislature. While this system may still appeal to our neighbors, the opportunities it presents for logrolling and the absence of direct participation by the people outweigh any good features it might have. In a few states, a nonpartisan election system is used. This is sometimes characterized as the worst system of all because the element of party responsibility, even though sometimes weak, is completely eliminated in favor of a wide-open popularity contest in which the candidate with the most money or the best campaign personality has an enormous advantage.

Finally, there is a system for selection of judges that combines the best features of the elective and appointive systems. Since it has been growing in popularity around the country in recent years, it merits examination in depth.

The Nonpartisan Merit Selection Plan

The *nonpartisan merit selection plan*[3] has three basic elements:

(1) Submission of a list of judicial nominees by a nonpartisan commission composed of professional and lay persons;

(2) Selection of a judge by the Governor from the list submitted by the nominating commission; and

(3) Approval or rejection by the voters of the Governor's selections in nonpartisan elections in which the judge runs unopposed on the sole question of his record in office.

The nonpartisan merit plan is now in use, in whole or in part, in at least nineteen states. The plan was first adopted in 1940 in Kansas City and St. Louis for trial judges, and throughout Missouri for appellate judges. The spur to its adoption was the flagrantly corrupt Pendergast machine in Kansas City, but since its adoption several efforts to repeal it have met with increasing margins of defeat at the polls, and as recently as August, 1970, the plan was extended by popular vote to the circuit court judges of St. Louis County, so that the plan now covers a majority of the trial judges in the state, all the appellate judges, and over half of the population. Under existing local-option arrangements there has been no urgency to extend the plan to the rural areas of the state, although extension is an increasing possibility. No judge placed in office under this plan in Missouri since 1940 has been removed or failed of re-election, while at least three Missouri judges who were elected in partisan elections have been removed (or resigned under fire) for misconduct since 1963.

Missouri's successful experience with the nonpartisan merit plan has led a number of other jurisdictions to adopt the plan, or one or more of the basic elements of it, for their courts. They are Alabama, Alaska, California, Colorado, Florida, Georgia,

2. Contrary to popular belief, election of judges by the people was not considered by the founding fathers of this country. The idea took hold in the 1840's, replacing the three-quarter-century tradition of appointive (by executive or legislature) judges. In North Carolina, the Constitution of 1776 provided for the selection of judges by the legislature, and this procedure lasted until 1868.

The United States and Russia are the only two major powers in which election of judges by popular vote is common.

3. Also known as the Kales Plan (after its originator), the American Judicature Society Plan (Prof. Kales being a founder of the Society), the American Bar Association Plan (after its endorsement by the Association in 1937), and, perhaps most widely, as the Missouri Plan (after the state of its first adoption).

A brief but up-to-date bibliography on "the plan" is found in The American Judicature Society's Report No. 7, JUDICIAL SELECTION AND TENURE (August 1970).

Idaho, Illinois, Iowa, Louisiana, Kansas, Maryland, Nebraska, New Mexico, New York, Oklahoma, Pennsylvania, Utah, Vermont, and Puerto Rico. The voters of Indiana added their state to this list in November, 1970.

In 1968, approximately 875 judges of state courts, including 23 percent of all appellate judges and 18 percent of all trial judges, were covered by some elements of the plan, and all elements of the plan apply to approximately 400 judges. These figures have increased since then.

The heart of the nonpartisan merit plan lies in the first basic element—the judicial nominating commission. It should be broadly representative of the two major groups who use the courts: the attorneys who practice there, and the public whose lives, liberties, and property are at stake there. It should also represent all major geographic regions of the state. Terms of members must be several years in length to build up expertise, and they must overlap to preserve it. Above all, however, the Commission must be composed of persons of the highest integrity who will sincerely and objectively try to carry out their sole duty—to find the most highly qualified men for the judiciary. They must be prepared to seek out actively members of the bar whose personal and professional characteristics offer the most potential for becoming an outstanding judge.

This "seeking out" process can best be described by one who has had lengthy personal experience with the system. U.S. District Judge Elmo Hunter, formerly a merit plan selectee on both the trial and appellate court levels in Missouri, and at one time chairman of a judicial nominating commission to select trial judges for the Kansas City circuit, describes the selection process as follows:

> Just a few months ago two of our trial judges retired because of a combination of age and illness. This created two judicial vacancies. Our judicial nominating commission issued a public statement carried by our press and other news media that the nominating commission would soon meet to consider two panels of three names each to be sent to the governor for him to select one from each panel to fill the vacancy, and that the nominating commission was open to suggestions and recommendations of names of those members of our bar best qualified to be circuit judges.
>
> It received the names of many outstanding and highly qualified lawyers who were willing to be considered by the commission because of the nonpolitical merit type of selection involved. The commission on its own surveyed all eligible lawyers in the circuit to see if it had before it the names of all those who ought to be considered. From all sources the commission ended up with fifty-seven names.
>
> After several weeks of careful study by the commission, the list of eligibles was cut to twelve, then to nine, and finally to those six who the members of the commission sincerely believed to be the six best qualified of all. Those six names, three on each of the two panels, were sent to the governor who, after his own independent consideration of them, made his selection of one from each panel. His selections were widely acclaimed by the press and the public as excellent choices from two very outstanding panels. The commission was glad to see the governor get this accolade, but its members knew that no matter which one of the three on each panel he selected, the people of Missouri would have been assured an outstanding judge.

Students of the nonpartisan merit plan give a variety of reasons for its success and its fast-spreading appeal. Judges become politically independent, and time formerly spent campaigning can be spent attending to the urgent business of the courts. Public confidence in the individual judge—and in the administration of justice generally—improves. The attention of voters can be focused on a judge's record rather than his political affiliation so that it is easier, should the need arise, to vote an unfit judge out of office. Opportunity of minority groups for representation on the bench is increased. Even the Governor benefits—he is relieved of the occasional embarrassment of choosing between political favorites, some of whom may be less than well qualified. At the same time, he can take credit for outstanding appointments made by him from the list furnished by the nominating commission. But the two most important reasons, amply supported by actual experience, are that the plan:

(1) Guarantees qualified judges by screening out the obviously unfit and mediocre.

(2) Increases the available pool of qualified candidates from which nominees can be selected.

In recent years writings on the plan have been extensive. They are overwhelmingly favorable. A recent book-length study of the plan in Missouri concludes that nonpartisan merit plan judges are rated higher in over-all performance than partisan-elected judges by those lawyers who practice in courts presided over by both kinds of judges; that a high percentage of the lawyers in St. Louis and Kansas City (where all judges are plan judges) favor the plan over any other method of judicial selection; that most Missouri lawyers agree that the plan produces "better" judges than partisan elections; and that the plan weeds out very poorly qualified candidates.[4]

4. Watson and Downing, THE POLITICS OF THE BENCH AND THE BAR (1969).

A Merit Plan for North Carolina

States that have adopted the nonpartisan merit plan for the selection of judges have usually inserted in their constitutions a brief statement of the basic elements of the plan and left detailed implementation of it to the legislative branch. We believe that this is the soundest approach for North Carolina, and we accordingly recommend a short revision of Article IV, section 16 of our Constitution that (1) authorizes a judicial nominating commission to recommend to the Governor a list of qualified nominees for vacant judgeships; (2) directs the Governor to select a judge from this list; and (3) provides that the appointee must stand for re-election on a nonpartisan "yes" or "no" ballot at the next general election which occurs more than one year after his initial appointment. If the voters vote "yes," the judge then serves a regular term; if they vote "no," the judge's office is declared vacant and the judicial nominating commission submits a new list of names to the Governor, as before. Terms of judges—eight years for appellate and superior court judges and not more than eight years, at the option of the General Assembly, for district court judges—are also specified.

The proposed amendment further provides that voting on retention or rejection of appellate division judges would be by the voters of the state, and that similar voting for district court judges would be by the voters of the judge's district. Voting on superior court judges would be by the voters of the state, or of the respective judicial divisions or judicial districts, as the General Assembly might provide. This carries forward the present constitutional provisions, except that as to the electoral units of superior court judges the General Assembly is given a third alternative—election by judicial divisions—from which to choose. The Commission is aware of the current challenge to the present method of selecting superior court judges; it feels, however, that the size of the electoral unit is a legislative policy matter that has no logical connection with the merits of the basic selection plan. The basic plan merits adoption no matter which of three constitutionally authorized electoral units is eventually chosen for superior court judges.

Finally, the proposed amendment to the Constitution provides that incumbent judges continue in office for the remainder of the terms for which they were elected, and thereafter are subject to approval or rejection by the voters on a nonpartisan "yes" or "no" ballot, as described above. Since the plan is not designed to become effective until January 1, 1973, after its approval by the voters in the general election of November, 1972, many incumbent judges (73 on the district court level alone) would be subject to one last election under the existing partisan election laws.

Statutory implementation of these constitutional provisions consists for the most part of creating a judicial nominating commission and outlining its functions. Since the integrity and objectivity of the nominating commission is the most important key to the end product—high quality judges—the composition of the commission is of critical importance. To nominate justices and judges for the Supreme Court and the Court of Appeals, a nominating commission of nine at-large members is recommended. A member of the Supreme Court, elected by the Court, would serve as chairman but would vote only in case of a tie. Four attorneys, each a resident of a different judicial division of the state, would be elected by the State Bar Council, the statutory governing body of the integrated bar, whose members are themselves elected by the thirty local bar districts. The Council could not elect one of its own members to the commission. Four non-lawyer citizens would be appointed by the Governor. These lay appointees would also be from separate judicial divisions to assure proper geographic representation on the commission. To assure proper representation within divisions, no two appointees, other than the Supreme Court member, could be from the same judicial district. To assure continuity, terms of members—fixed at four years—would be overlapped, and to prevent possible domination of the commission by one member or group of members, no member could serve more than one full term without a lapse of two intervening years. Other than the chairman, members would be forbidden to hold public office or office in any political party. No member of the commission, save the chairman, would be eligible for appointment to a judgeship during his term of office and for a period of two years thereafter. Finally, members of the commission would serve without remuneration other than the per diem and expenses accorded members of state boards and commissions generally.

When vacancies on the superior or district court bench were to be filled, the nominating commission would be augmented by additional members from the four judicial divisions. Each division would be represented by two additional attorneys and two additional laymen selected in the same fashion as at-large members who make nominations to fill appellate court vacancies. When a vacancy on the trial bench in a particular division arises, the four divisional members from that division would join the nine at-large members, so that whenever a trial judge is to be selected, half of the voting members (six of twelve) of the commission would be from the division in which the vacancy exists.

The divisional members of the nominating commission would of course be subject to the same provisions concerning overlapping of terms, holding public or political office, etc., that apply to members at large. These provisions are designed to eliminate political considerations and to maximize impartiality, objectivity, experience, and balance in the exercise of

the sole function entrusted to the commission—the nomination of the most highly qualified persons for judicial office.

The nominating commission would be called upon to act each time a judicial vacancy occurred. To make nominations to fill a vacancy on the appellate bench, the nine at-large members would meet; to fill a vacancy on the trial bench, four divisional members would meet with the at-large members. The commission could meet anywhere in the state. It would be authorized to publicize judicial vacancies and empowered to solicit declarations of availability for judicial service from highly qualified attorneys who might otherwise be unavailable. It could hold public hearings at which interested persons could speak for or against the nomination of particular individuals. To discourage publicity seekers and encourage qualified persons who might not otherwise declare their availability, it could hold the names of potential nominees in confidence until such time as it transmitted its final list to the Governor, when the names of the nominees would be made public.

The commission would be required to nominate three names for each vacancy on the Supreme Court or the Court of Appeals. For a trial bench vacancy, some of which arise in districts with a very limited number of attorneys, *two* or three names would be required. Names of nominees must be submitted to the Governor within sixty days after the vacancy occurs, and the Governor must make his selection from the names submitted within an additional thirty days. If he failed to make a selection within the time allowed, the Chief Justice of the Supreme Court would then make the appointment.

Terms of office for appellate and superior court judges would remain as currently specified, but under the constitutional option for district court judges it is recommended that terms of district courts judges be fixed at six years. Extending the term from four to six years will make the office somewhat more attractive to a larger number of potential district court judges.

A judge selected under this plan who desired to serve successive terms would be required to file, within specified time limits, a declaration of his intention to run. The ballot at the next general election would then bear the question: "Shall Judge ..... of ..... Court be retained in office?" An affirmative vote would return the judge to office for a regular six- or eight-year term; a negative vote would vacate the office and trigger the nominating process already described.

The Courts Commission has considered which of the three constitutional options it should recommend for the electoral unit of superior court judges—state, division, or district. Election of superior court judges by any one of these three electoral units is not essential to the success of the nonpartisan merit selection plan. In fact, the plan will function equally well whatever electoral unit the General Assembly should select for these judges. Accordingly, the Courts Commission recommends that superior court judges be elected by the qualified voters of the entire state. This is the present system. If this system is to be changed, the present system is the starting point; if it is in fact changed, the need for and soundness of the nonpartisan merit plan will not be affected.

To guarantee that the nonpartisan merit plan is actually operated in a nonpartisan fashion, the Courts Commission recommends that no judge, no person who has declared his availability for nomination for a judgeship, and no nominee for a judgeship directly or indirectly make any contribution to or hold any office in a political party or organization or take part in any partisan political campaign between opposing candidates. This prohibition is a vital feature of the proposal without which the laudable objective of proposed legislation might not be attainable.

Special Superior Court Judges

So far we have been talking about the selection of appellate judges, district court judges, and *resident* superior court judges. Another kind of superior court judge, however, is provided for by Article IV, section 9(1) of the Constitution: "The General Assembly may provide . . . for the selection or appointment of special . . . Superior Court Judges not selected for a particular judicial district." Under this authority for many years the General Assembly has authorized the Governor to appoint a number of special superior court judges. Currently, the number is eight, all appointed for four-year terms. These judges may serve anywhere in the state and do, being assigned week by week wherever the need for an additional session of superior court is greatest.

The need for these special superior court judges continues and the reasons that compel re-evaluation of our method of selecting all other kinds of judges apply with equal force to them. Logic dictates that, if the nonpartisan merit plan for choosing other judges over the years will bring about an improvement in the quality of the judiciary generally, it will do no less for special superior court judges. The Courts Commission therefore unhesitatingly recommends that the nonpartisan merit plan for the selection of judges be extended to special superior court judges also. A constitutional amendment to do this is not necessary. It can be effected at the same time as the parent bill for selection of our other judges is scheduled to go into effect—January 1, 1973. After that date, special superior court judges, limited to two per judicial division for a total of eight, would be selected by the Governor from a list of three nominees for each vacancy put forward by the same judicial nominat-

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The Chairman of the State Mining Council addresses the Legislative Orientation Conference

MINING CONTROL *in North Carolina*

By H. B. Smith

Mining in North Carolina now operates at a rate of about $90,000,000 per year, based on the value of the "as mined" minerals. Nearly all of these minerals are upgraded by processing, so that a conservative estimate of the value of salable products amounts to over $300,000,000 per year. The industry is growing rapidly, having doubled in the past ten years, and no doubt will continue to grow. Even so, North Carolina is not generally regarded as a mining state, its production value being about one-third of Virginia's and quite small relative to that of West Virginia, Kentucky, or Pennsylvania. However, most of North Carolina's mining is of the open-pit type. If simply abandoned when the ore body is mined out, these pits can in time amount to a significant acreage of desecrated, unsightly and unsafe lands. There are now about 8,000 acres of mine lands in the state, and new lands are opened at the rate of about 700 acres per year. This is small, compared with land disturbed by highway construction and by the construction industries, but if mined-over lands are not reclaimed, the area of desecrated lands will grow each year. Thus, it is a major purpose of the proposed mining law that will come before the 1971 General Assembly to require that mined-over lands be reclaimed by some reasonable procedure.

The present water and air pollution laws, as applied to the minerals industry, appear to be adequate. Further, the Department of Labor enforces many safety regulations, and the counties have broad powers with respect to zoning ordinances. However, no state legislation now exists which requires a practical land reuse, or protects surrounding properties from hazards caused by mining, or protects scenic values of public park lands. To afford such guardianship is among the purposes of the proposed legislation.

The development of mining legislation by the State of North Carolina began in 1964 and has proceeded with careful deliberation, legislation being enacted in both the 1967 and the 1969 General Assemblies.

The first active involvement of the State of North Carolina in mining control began with a conference on surface mining called by the Council of State Governors in 1964. The impetus for these discussions arose from the Southern Governors' Conference, and this gave rise to a concept called the Interstate Mining Compacts. These mining compacts were to consist of not less than four states that had agreed to combine their efforts, leading to improved methods of managing the mineral resources of the states involved. Apparently there were two fundamental reasons for such action: The first was that the mining industry faces an undue hardship if one state enacts laws that increase the cost of mined products and an adjoining state does not, thereby seriously affecting the competitive position of mining industries. Second, the Governors' Council was much concerned about impending federal legislation that had been proposed late in the Johnson administration and would have placed almost autonomous control over mining in the hands of the federal government.

The 1967 General Assembly, acting upon the recommendation of the North Carolina Department of Conservation and Development, passed an enabl-

ing act that permitted North Carolina to join an interstate mining compact. This legislation also specified the membership and authorized the formation of the North Carolina Mining Council as an advisory body to the Governor. This membership consists of three representatives of the mining industry, three nongovernmental conservationists, a member of each house of the General Assembly, the chairman of the Minerals Research Laboratory, and ex officio members from state agencies and boards (Department of Conservation and Development, the State Geologist, and the chairman and vice-chairman of the Board of Water and Air Resources).

In November, 1967, this Council was formally appointed and served under the chairmanship of Mr. Dan Stewart, who was the director of the Department of Conservation and Development under Governor Moore's administration. The Council undertook a series of field trips to familiarize itself with the nature of the State's mining industries. After due consideration, it prepared a report entitled "A Proposed Program for the Regulation of Mining in North Carolina," a principal part of which was recommended legislation for mining registration, which was subsequently enacted. The purposes of the Mining Registration Act of 1969 were to assess accurately the type and extent of mining operations in North Carolina and to establish data on existing reclamation of mined-over areas.

The Mining Registration Act of 1969 also provided for the position of State Mining Engineer and instructed the Mining Council to develop recommendations to the 1971 General Assembly for legislation under which mining operations in the state would be regulated.

After carefully examining the laws and experiences of other states and considering the North Carolina situation, the Council drafted a proposed mining control act. Public hearings were held on the Council's draft of the recommended legislation in Raleigh on November 4 and in Asheville on November 5 of 1970. It was also submitted to other states having mining laws, and comments were requested. The statements of mining and conservation interests as well as comments from other states have been under study, and certain revisions have been made. The Council held its final review on December 17 and expects to report to the Governor soon.

In summary, the principal provisions of the proposed law are:

I. After July 1, 1962, every mining operator will be required to have a mining permit for each of his mining operations.

II. To obtain a permit, application is made to the Department of Conservation and Development; a permit will be issued or denied within 60 days. The application must contain necessary information about the operation, an acceptable land-reclamation plan, and a specified bond or other security to assure land-reclamation performance. A permit may be denied if the Department finds that:

A. Any requirement of this act or any rule or regulation promulgated hereunder will be violated by the proposed operation;

B. The operation will have unduly adverse effects on wildlife or fresh-water, estuarine, or marine fisheries;

C. The operation will violate standards of air quality, surface water quality, or ground water quality which have been promulgated by the Department of Water and Air Resources;

D. The operation will constitute a substantial hazard to a neighboring dwelling-house, school, church, hospital, commercial or industrial building, public road, or other public property;

E. The operation will have a significantly adverse effect on the purposes of a publicly owned park, forest, or recreation area;

F. Previous experience with similar operations indicates a strong possibility that the operation will result in substantial deposits of sediment in stream beds or lakes, landslides, or acid water pollution;

G. The operator has not corrected all violations which he may have committed under any prior permit and which resulted in (1) revocation of his permit, (2) forfeiture of part or all of his bond or other security, (3) conviction of a misdemeanor under this legislation, or (4) violation of any court order issued under this legislation.

III. A permit is valid for up to ten years and may be modified during this period by either the company or the Department. It may be renewed at the end of the period.

IV. Any permit issued is expressly conditioned on performance, and violations will result in suspension or permit revocation.

V. Appeals may be taken to the Mining Council from any decision of the Department, and an appeal to the courts may be taken from any decision of the Mining Council.

VI. Small mining operations affecting less than one acre are exempt from the law.

VII. The North Carolina State Highway Commission will be exempt from the act if the Commission adopts and enforces reclamation standards that have been approved by the Mining Council.

Who Speaks for Children?

The prime recommendation of the Study Commission for Emotionally Disturbed Children—AN ADVOCACY COMMISSION FOR CHILDREN

1 North Carolina should establish a Governor's Advocacy Commission on Children and Youth by legislative action. The Advocacy Commission would plan, facilitate, and coordinate services and would serve as an advocate in the interest of children, youth, and their families. It should take as its mandate the welfare and rights of all children and youth in North Carolina. The Commission would not be responsible for providing services directly, as this function would be incompatible with its role as advocate.

It is recommended that the Governor's Advocacy Commission be composed of nineteen persons, including citizens, legislators, and administrators of child-serving agencies. It should encourage the formation of regional and local advocacy groups.

All of our young have certain needs—to be wanted, and to be provided with food, shelter, loving care, protection and help—as they learn how to cope with the problems of life. The family and the community share the responsibility of speaking for these needs—they are the traditional child advocates.

Stresses in our society today make it difficult for the traditional advocates to be heard. No single agency in the community speaks for the total child so our efforts to help children are fragmented among many agencies. There is little coordination and no plan for developing services to fill the gaps that exist in the care of our young.

To remedy this situation, the Study Commission recommends a North Carolina Governor's Advocacy Commission on Children and Youth be created to speak in behalf of all young people.

The Governor's Advocacy Commission would act as spokesman for individuals and groups of children, youth, and their families; maintain a continuing assessment of efforts to serve children's needs; work with existing state agencies to develop approaches to fill the gaps in child care. It would help state agencies to fill the gaps in child care. It would help state agencies coordinate their efforts, develop joint programs affecting children; recommend ways for the Governor and the General Assembly to improve child care; serve as the state structure for coordinating communication with federal advocacy systems. It would provide information to the public on issues affecting children, youth, and their families; provide assistance in the development and coordination of regional and local child advocacy systems within the state; include in its structure methods for evaluating its own effectiveness.

The Advocacy Commission will not replace any existing agency. It will not provide services directly to a child. Rather, it will advocate on behalf of the children of our state.

The Study Commission on North Carolina's Emotionally Disturbed Children

In 1969 the nationally organized Joint Commission on Mental Health of Children issued a report entitled *Crisis in Child Mental Health: Challenge for the 1970's* in which it presented the dimensions on the national scale of the problems of mental health among children and issued as its primary recommendation the establishment of a child advocacy system at every level of society.

Taking up the challenge, the Junior Leagues of North Carolina focused on the mental health needs of North Carolina by sponsoring a Forum on the Emotionally Disturbed Child and publishing a report on its finding. Soon after, the 1969 General Assembly established the Study Commission on North Carolina's Emotionally Disturbed Children with a mandate "to study in depth the situation of the emotionally disturbed child and the mental health needs of all children in the State." By this action, North Carolina became the first state to initiate such a study.

The study commission was appointed, as provided by the resolution, by the Governor, the Speaker of the House of Representatives, and the President of the Senate. It consisted of nine members, with Dr. John A. Fowler, child psychiatrist at Duke University and head of the Child Guidance Clinic of Durham, as chairman. The Commission organized twelve task forces composed of professional and lay leaders from across the state who worked most of 1970 on their studies and reports. In addition, ten state agencies and professional organizations submitted position papers on matters within their fields of special competence. The Commission maintained close liaison with the state agency heads who are involved in providing services to children.

The Commission's summary report—*Who Speaks for Children?*—was presented to Governor Scott on December 8, 1970. In his message to the joint session of the General Assembly on January 14, the Governor advocated the establishment of a Governor's Advocacy Commission on Children and Youth to serve as an advocate for the children of North Carolina as recommended in the Commission's report.

The report appears on these pages.

COMMISSION MEMBERS

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A VOICE FOR CHILDREN

Advocacy is for all of our children from birth to age 18. That's about 40 per cent of the population of the state. Babies, toddlers, preschoolers, school-age youngsters, teenagers, dropouts, handicapped children, juvenile offenders, pregnant adolescents, *all* children and youth.

The twelve Task Forces of the Commission (involving the efforts of some 235 citizens across the state) have provided reports and data concerning children in North Carolina. These reports provide important information about the agencies of state and local government which offer various services to children. While there are some excellent programs which illustrate our genuine concern, studies show a pressing need for better planning and more effective coordination among agencies, and point out serious gaps in services and inadequate quality in some programs for children.

Excellent Beginning Programs

Throughout communities of the state, there are some programs recognizing the needs of children that provide examples of approaches the Governor's Child Advocacy Commission would foster. The aim of the Commission would be to insure statewide provisions like these for all children.

for the very young

In Greensboro, the Child Care Center operates a program in which preschoolers and their parents share experiences directed toward learning and building self-respect. Also, there is a project to teach teen-age mothers how to care for their infants.

Skyland Day Care Center in Morganton, sponsored by an industry, provides care for toddlers whose mothers work for the industrial plant. Mothers see their children in the plant nursery during the breaks in their day.

In Elkin, all children come to summer school before first grade, giving them and their teachers a chance to know each other. The school program then is adapted to each child's needs.

Eight major agencies in Haywood County cooperate to offer assistance to all high risk babies; to provide special health care to children under age five; to follow up children after hospitalization. Children entering school are provided special screening.

for the school-age child

Project Enlightment in Raleigh is giving assistance to young children and their teachers in nursery schools, child care centers, and kindergartens. Another program, Bridges-to-Hope, matches an individual child with a friend—like a big brother—who helps him as a special person.

In Pitt County, a specially trained teacher works with autistic children.

In Moore County, Project CARE offers a reorganized school environment for children, some of whom have trouble learning. Children help children, and parents participate in the program.

Durham county and city schools offer a program in which child specialists come into the schools to work with the child, his teachers, and his parents. Wright School is strengthening community services across the state for children who come for re-education.

for teen-agers

In Winston-Salem, the Youth Services Bureau provides community-based programs for troubled youth, some of whom are returning to the community from state penal institutions.

Chapel Hill teen-agers are helping other teen-agers through Operation Switchboard, a drug-abuse action group.

The Cooperative School in Durham helps adolescent pregnant girls who want help and continued schooling.

No Unified Commitment

All children need help in resolving emotional conflicts if they are to develop full, happy lives. During infancy and preschool years, children are especially vulnerable to pressures as they try to learn to grow up. We know much about how to deal with emotional conflicts, yet the Commission found no one effectively empowered to speak for children and youth who suffer conflicts within themselves, their families, with other children, and in their schools and communities.

The huge gap between what we know we must do, what we know how to do, and what we are actually doing shows in these facts: Approximately 30 per cent of babies born to teen-age girls in our state are illegitimate; over 20 per cent of annual births in our state are born to girls, aged 14 to 19, who are young, inexperienced mothers. Family disruption due to mobility, broken marriages, poverty, and unemployment causes increasing stress on children and adolescents; of our 600,000 children, aged six or younger, 60 per cent of their mothers work outside their homes. One of every six children below age 6 is in a day care facility, only 15 per cent of which are voluntarily licensed by the State Department of Social Services; only a small percentage of our preschool programs, including kindergartens, are approved by the State Department of Public Instruction. Over 2,000 child abuse and neglect cases

are reported in North Carolina each year. One in 10 children fails first grade; forty-five per cent of first graders will not graduate from high school; helping services such as counseling in the schools are inadequate in number and far below national standards. Nearly 40 per cent of our families, many with children, have a combined annual family income of $3,000 or less. Approximately 1,700 new children enter juvenile correction schools in our state each year; juvenile crime shows a marked increase in recent years. No statistics on this increase are available for North Carolina. Nationally, one of every nine youths is referred to juvenile court before age 18; no unified juvenile justice system exists in our state; services for juvenile delinquents are now broken up among three state departments. There are 60,000 mentally retarded children in North Carolina, of which 16,000 are of preschool age, and 43,500 aged 6 to 18 years; over 2,400 children in our state need residential treatment for emotional disturbance, but we have only 110 child and adolescent spaces.

Present Programs Insufficient

"Programs for prevention, educational intervention, and treatment are unevenly distributed, meager in quantity and quality, and poorly coordinated. Services are deficient in quality, if not quantity, for prenatal care, infant care, preschool care, and support of the public school classroom teacher." This was the situation found by the National Commission on Mental Health of Children. According to findings of the Study Commission, similar problems exist in North Carolina.

An Alamance County study describes a child who was seen by several specialists, each working for the child's well-being, yet none saw the total child. The teacher advocated for his educational needs, the doctor for his physical health, the psychiatrist and social worker for his emotional health and family stability, and the caseworker for his economic security.

Diagnostic labeling has led to a child's receiving services only if he has the appropriate label. A boy in Raleigh was turned away from classes for the retarded because he was partially deaf, from classes for the deaf because he had emotional problems, and from classes for the emotionally disturbed because of his intellectual limitations. In another instance, parents pled without success to more than fifty agencies to help their child.

The "social trap" describes the child in trouble who may be involved with different agencies without any agency's knowing of the involvement of the others. There is also the opposite effect when no agency takes adequate responsibility.

Few social service agencies in North Carolina have personnel to work specifically with children. Where such programs can be offered, they often overlap. The Department of Social Services provides psychological services for children in areas where the same services are offered by facilities of the Department of Mental Health. A survey of physicians shows that nearly all services except psychological testing are difficult to arrange, too expensive, or unavailable.

Few developmental evaluation clinics and pediatric supervisory clinics have personnel to work specifically with the mental health needs of infants and preschool children. More preventive, treatment, and follow-up services should be established. Diagnostic and treatment plans should be shared with the public schools and pediatricians.

Authorities say that many children are taken away and placed in institutions when with small effort they could remain in their communities. If a child in an institution is mistreated, a complaint is sometimes filed with the Governor. The practice has been for the Governor's office to send the complaint to the state agency involved, which sends the letter down the administrative ladder. The letter ends up in the hands of the person against whom the complaint has been made, and often this person is unable or unwilling to make a change in his procedures.

Proposed Advocacy Commission

The Commission should be composed of nineteen persons as follows:

—Nine citizens, appointed by the Governor.

Two youth representatives, appointed for two-year staggered terms; one youth 16-21 years of age, and one youth below age 16.

Seven citizens, appointed for four-year staggered terms.

These citizens should include persons who have evidenced an interest in and a knowledge of the problems of children and youth, persons who work with them on a daily basis, and representatives of organizations concerned with the problems of children and parents.

—Four members of the General Assembly, two from the Senate, appointed by the President; two from the House of Representatives, appointed by the Speaker; these four appointees to serve two-year terms.

—Administrative heads (or designated representatives) of the Departments of Health, Mental Health, Social Services, Public Instruction, Juvenile Correction, and Local Affairs. If agency representation on the Commission is increased, citizen representation should be increased in like number.

The Advocacy Commission should be assisted in its work by a professional staff, consisting of an executive director and such associates and helpers as deemed necessary by the General Assembly to carry out the work of the Commission.

The Advocacy Commission should consider itself an ombudsman for the children of North Carolina, taking their rights, needs, and grievances as its mandate, and exerting all effort—including legal power—to advocate the interests of children.

The Advocacy Commission should begin its work by taking inventory of all existing services for children and youth in the state, making use of the studies and recommendations of this Commission, other recent studies, and conducting investigation where necessary. The Commission should be free to set priorities and direct its attention to areas of greatest need.

The Advocacy Commission should give high priority to activities which will insure proper diagnosis, treatment, and care for children and youth who have emotional, mental, and physical handicaps. The Commission must regard treatment services and preventive programs as complementary activities, each highly important.

The Advocacy Commission should initiate and encourage direct communication between children and families and the agencies which serve them. Children often find it hard to be heard in their families; parents often find it hard to understand their children. The Commission should seek more effective means of using agencies to help family members talk and listen to each other.

The Advocacy Commission will pave the way and help generate efforts for a unified approach to child care at the local or regional level. What occurs in the local community is most important since this is where services reach the individual child. Local or regional advocacy councils should be created to perform such tasks as these:

—Receive from individuals, agencies, civic groups, etc., suggestions for needed services for children, and determine those on which action can be facilitated.

—Review proposals for new programs—national, state, or local—which relate directly to the needs of children. Evaluate the resources for carrying out such programs.

—Receive suggestions about services from individuals, agencies, civic groups, etc., and facilitate solutions to these. It could request reports from agencies regarding services when there is a question of privileged communication. It would participate in evaluation of agencies.

—Review proposals for new funds and make recommendations regarding these. This review would include agency proposals for programs derived from tax sources.

—Establish ties with health planning agencies to enhance communication and promote efforts for child programs within a broad approach to health planning.

—Serve as a resource for groups, such as parents, concerned about unmet needs in developing programs or utilizing existing ones.

—Maintain records on service functions in the region and make these available to those engaged in delivery of services to insure coordination.

—Investigate and evaluate needs in order to help establish priorities in new programs.

—Serve as a clearinghouse for agencies seeking to recruit new professionals. It would study manpower needs in child services and encourage universities, colleges, and technical schools to implement needed training programs.

—Cooperate with local community groups in furthering their programs for children.

—Cooperate with the State Advocacy Commission and state agencies in insuring their commitments to children.

PLANNING: THE TOTAL CHILD

The Commission found that adequate care of children, as well as its plan for child advocacy, will require improved approaches to a child's health and well-being. The following recommendations suggest necessary changes in the manner in which we plan and coordinate child care services, the training of those who work with children and families, and research and evaluation of child care programs.

North Carolina needs a vision of child care which provides for the total child. This requires a comprehensive plan of child care which coordinates the services of all agencies involved in the care of children.

The Study Commission found that no single community or county in North Carolina offers what can be considered comprehensive care to its children. We must know about the children whom we are serving, the services we are now providing, and the services we are not providing.

We need a plan for child care in which programs are designed to fit children, rather than agencies or professionals. We must do less "crisis" work, and work harder to develop preventive programs. We must take stronger measures to help troubled children in their regular school and community environments. Where this is not possible, we must have

adequate treatment centers. We must give more attention to adequate infant care, and we must establish program standards for the care of our young in day care and preschool programs. We must give more attention to helping teen-agers cope with problems, such as drugs and early pregnancy. We must improve the methods by which we assist the young lawbreaker back into society.

The Study Commission recommends that all state agencies concerned with children and children's services should be encouraged to share budgets through inter-agency planning. We must continue to attack the problem of how to help those who are unable to pay, unaware of where to go for help, or unaware that their child needs help.

New Training Approaches

A comprehensive plan for services requires new concepts of training those who work with children. Few children's problems fit into the disciplinary lines of highly specialized professions. We need a new concept of training which recognizes interdisciplinary training. The person entering nursing education, social work, psychiatry, or other disciplines must be familiar with more aspects of a child's life than those covered in his specialty.

Interdisciplinary training should come during a person's regular training for his specific work. Training programs should provide an early chance for work with children and adults in a variety of settings that extend beyond the boundaries of one profession.

A broad range of professionals is concerned with the happiness and well-being of children—educators, health personnel, ministers, group workers, juvenile law and court personnel, social workers, psychologists and psychiatrists. At present, not enough of these people are being trained to handle the problems of children.

Training for work with children is not available in all regions of the state. Institutions and agencies across North Carolina—universities, community colleges, hospitals, technical schools—should cooperate to provide special courses to help develop skills for working with children and families.

Research for Better Programs

We must know more about current efforts to help children—the strengths and weaknesses of our programs, how to improve existing programs, and what new ones are needed. To get this job done requires looking at significant questions, having trained researchers, and funding research efforts.

Today, child research in North Carolina is hindered by a shortage of trained personnel, lack of financial resources, lack of emphasis on conducting research and utilizing findings, and a lack of communication among individuals and agencies.

We need more research efforts to find out what occurs in child development between conception and age six, what kind of day care standards should be required, and what methods of early screening and evalution will best detect physical and emotional difficulties. We need to know more about disadvantaged children and how traditional services and educational methods should be modified to aid them. We need to know more about adolescents to help prevent the alienation that leads to drug abuse and juvenile delinquency. We need to develop more effective communication and counseling for this age group.

RECOMMENDATIONS ON PROGRAMS AND SERVICES

2. Greater emphasis should be placed on developing comprehensive services for children utilizing all available agencies.

3. An information retrieval system to facilitate coordination of agency and professional efforts to aid children should be established. Access would be strictly on a professional need-to-know basis, and great care should be taken to guard the privacy of the involved individuals.

4. A central directory of available services should be established for use by professionals and private citizens.

5. More children's services should be developed by all agencies serving human needs.

6. Policies of agencies should provide that all services for children be performed as near the child's home as possible.

7. Since crisis work is done at the expense of preventive programs, departments concerned with health, education, and social services should coordinate development of pilot preventive projects for demonstration purposes.

8. Standards and guidelines should be established for "mothering care" in preschool and day care programs. *(Continued)*

9. Day care programs for infants and preschool children should be improved and periodically evaluated. Licensing of programs should be mandatory.

10. Comprehensive programs for adolescent pregnancies, including counseling of both mother and father, should be developed.

11. More appropriate child care services should be made available to people who are unable to pay the full cost.

12. Preschool entry and evaluation programs should be established for five-year-olds.

13. North Carolina should continue the establishment of a statewide system of public kindergartens.

14. Within the public schools, emphasis should be placed on teaching children in the regular classroom. More school mental health programs, including a limited number of special classes within the context of a comprehensive program for emotionally disturbed children, should be developed.

15. Diagnostic and treatment services for children within existing mental health clinics should be expanded.

16. Services in developmental evaluation clinics and child health supervisory clinics should be expanded.

17. Separate child and adult facilities should be maintained in general and state hospitals, recognizing that occasionally it may be desirable to treat adolescents in facilities for adults.

18. The organizational structure of the juvenile courts and corrections should be unified. A system of mandatory reporting should be established for all juvenile courts.

19. Communities should be encouraged to establish specialized juvenile law enforcement units which are trained to work with children and parents.

20. Care should be taken to select juvenile court judges who demonstrate concern and competence with the specific problems of children.

21. Innovative residential programs for children should be encouraged. These include year-round camps, re-educational programs, therapeutic day care centers, night care programs, therapeutic nursery schools, therapeutic residential summer camps.

22. Residential treatment centers, in the continuum of child care services, should be given additional financial support and trained personnel.

23. Residential treatment centers should increase efforts to coordinate their programs with other community facilities and programs.

RECOMMENDATIONS ON MANPOWER AND TRAINING

24. The basic training of all mental health workers should include child development.

25. Quality in-service training programs for all state and local agencies with child-serving personnel should be established. This should include workers in mental health, social services, hospitals and other centers, teachers and administrators in public schools.

26. Regional inter-agency training programs should be established and should be financed by inter-agency funding. Programs should provide training for both new and experienced personnel. Teachers who conduct training programs should include practitioners who work well with children and who have the ability to teach. Training sites should utilize both traditional and innovative child service programs from which to teach.

All personnel working with children should be provided interdisciplinary training and information about many agencies. Training programs should emphasize child development lines: conception, infancy, preschool, school age, and adolescence. Training should emphasize direct work with children under qualified supervision rather than lectures about children.

27. A major training center should be established to provide training for work with children similar to the training provided by the Institute of Government for government officials.

28. Schools of medicine, nursing, and social work should place more emphasis in their programs on child development, including clinical work.

29. Departments of psychology should produce more practicing psychologists who can relate to children and parents and should develop master's programs in clinical psychology.

30. Child psychiatry training should comprise one-third to one-half of the residency training of all psychiatrists. Consideration should be given to shortening their traditional undergraduate and medical education.

31. Multi-disciplinary programs on the graduate level should be expanded to train consultants for personnel working with children.

32. Undergraduates should be offered the opportunity to major in such disciplines as psychology and social work, and their training should equip them to provide services to children.

33. The curriculum of law schools should emphasize the legal rights of children and give more specific courses in juvenile law.

34. All agencies and institutions hiring untrained personnel should organize and accept responsibility for training programs to further the advancement of employees who show aptitude and interest.

35. New emphasis should be placed by agencies on the recruitment and training of employees, such as psychiatric, pediatric, or psychological aides.

36. Educational institutions (for example, community colleges and technical schools) should be encouraged to develop innovative training programs for their personnel who show aptitude and interest.

37. Jobs for assistants, aides, and other personnel should be made available by opening opportunities for advancement.

38. As soon as possible, 50 per cent of the staff time of the State Department of Mental Health should be devoted to children.

39. The State Board of Education should be encouraged to seek legislative authority and funding to provide teacher training programs for disturbed children and to seek additional funds for the in-service training of all teachers.

40. Social service agencies should adopt a long-term goal of reducing the case loads of caseworkers to national standards.

RECOMMENDATIONS ON RESEARCH AND EVALUATION

41. Methods for evaluation of the Advocacy Commission function should be developed and implemented as soon as possible.

42. Greater emphasis must be placed on evaluation of programs and services for children.

43. Proposals should be evaluated before new programs are begun, and continuing evaluations should be built in. Model facilities and programs for special services to children, such as the Wright School and the Therapeutic Educational Program, should be studied to determine how and why they are successful.

44. Models showing the alternatives available for the education of exceptional children and the provision of special services for schools should be funded in each of the state educational districts. The Department of Public Instruction, with local school units and service agencies, should serve as contractor for services.

45. Greater research efforts should be directed toward developing preventive programs in child health and care.

46. At least 10 per cent of state funds for training and services should be spent for research and research utilization.

47. Programs should be developed to train more child-oriented researchers.

48. A research information retrieval system should be established to keep researchers up to date on projects and to provide information about private and governmental research grants.

development within conservation, continued from page 3

material uplifting of the lives of the poor and underprivileged. Rather, we need to shift from a philosophy of growth at the expense of our environment to one of accommodation with our environment. What this means is much greater attention to planning, on both a regional and state basis. We cannot afford to dismiss planning for mass rapid transit, for example, because it conflicts with highway planning or because of the narrow self-interest of the gasoline industry. The pollution and congestion caused by the automobile should not have to reach catastrophic dimensions before steps are taken to develop alternative methods of transportation.

Some very hard issues must be confronted soon if we are to meet this impending crisis. Conservationists intend to do everything in their power to see that we meet the challenges before us. It is precisely because we have nothing personal at stake, except survival, that we can take a long view of environmental problems.

The changes that will be demanded will affect us all. They will involve sacrifices. We must abandon some of our outmoded views of resource exploitation. Thomas Jefferson once said that government means treading the fine line between liberty and order. With respect to our environment, our activities have been characterized by too much liberty and too little order. To me, the ultimate test of a free society is its willingness to impose limitations on itself when it must do so to survive. The challenge of the environment crisis is survival. The conservationist philosophy suggests a strategy to meet that challenge. We stand ready to risk our reputations and our personal resources to see that the challenge is met.

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one bond dealer says that

NORTH CAROLINA BONDS ARE LIKE VINTAGE WINE

Recently the State of North Carolina offered $115,000,000 in highway bonds. The following quote gives some indication of the regard with which the state's financial standing is held.

". . . North Carolina held a lion's share of the daily spotlight with its $115 million sale of triple-A highway bonds, which were reoffered to the public at various prices to yield from 2.75% for the 1972 maturities to 3.9% for those due in 1981.

First-day buy orders accounted for all except about $40.7 million of the state's bonds, despite yields an estimated 0.05 to 0.1 point below the general going for other premium-grade securities. 'North Carolina bonds are analogous to the very rarest vintage wines, and I'm certain the remaining portion soon will be subscribed at the offering price.' one dealer said."

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public relations and social services

by Elmer R. Oettinger

It is my feeling that the caliber and quality of human beings and their performance will always remain keys to any image the public may have of them and their role in the social scheme.

My first point derives from objective experience with many in the social services field and is this: All social services personnel should be required to undergo an intensive learning and workshop experience in public relations, and especially in the major aspects of human relations, community relations, and public information. The instruction should be in two phases. An intensive course and workshop segment should be included in the formal course of instruction conducted by the School of Social Work of the University and in any other graduate instructional programs taught in this state. An equally intensive refresher course—in some cases, it would be a first course—in human relations and public information should be included in the Institute of Government program for Social Services personnel and in any other postgraduate instructional programs held regularly in the state. I am aware that some work is done in this area already and that it is taught, so far as I know, by qualified persons. I do not believe that all is being done that should be done in such areas as personal communication and use of the media. The importance to the individual caseworker, supervisor, director, and field representative of expertise in oral and written communication with the public at large and with special publics—civic clubs, schools, and the news media—cannot be overstated. A greater awareness of the role and potential of the press as a liaison with the public could serve to improve the acceptance of social services personnel, their functions and programs. A further awareness of such things as deadlines, techniques of writing for print and broadcast purposes, techniques for interviewing and consulting and public speaking, and techniques of performance on radio and television could contribute immeasurably to improved and expanded liaison with the public mind and heart.

Creating an Image

I am not sure that all caseworkers are aware that the way one dresses, the way one walks, the way one talks, the way one reacts are all factors in this matter of public relations. I see no reason to believe that the unflattering stereotype of the caseworker is wholly the fiction of the "jaundiced" imagination of "anti-public welfare" people. I have seen enough persons actively engaged in public welfare, in and out of action, not to be willing to label the unflattering portrait as wholly caricature or libel. Those whose exterior is often regarded as reflecting an unappealing inner being need to consider that the public image derives, so far as the segmented public is concerned, from the individual representative in the field. To the client or the civic audience, the speaker represents the entire social services system. And if that representative seems to reflect an unpopular existing image, the public is all too willing to believe that image to be the correct one. And that is true no matter how false the image may be. The pitch, force, and pace of speech; a button or a zipper; a food spot or a hemline all can be determinative of an image. It is all very well to say: "But they shouldn't be!" The fact is: they are.

Performance is a wholly legitimate criterion of reputation and image. Too often decisions on applications seem unduly slow to the client. Delay in evaluation and decision-making makes need more acute and accentuates frustration with the system. It is imperative to a good welfare image that personal zeal and dedication are joined with humanitarian concern and professional skills in the daily performance of social service personnel.

Change of Approach

My second point is that public feeling toward and even resentment of "welfare" and aid recipients is so deep-rooted that only a

primary change of approach and system can work permanent repair to the image. That resentment stems in part from one of the many paradoxes of democratic thought and tradition: the long-time prevailing Horatio Alger concept that the able and good are bound to rise and the inept and bad inevitably to sink—as opposed to an inate sympathy for the underdog and a personal desire to help the poor and unfortunate. A primary problem source is the dominance of the Horatio Alger portion of the paradox in more affluent times. It also lies in a characteristic emphasis on personal charity—and therefore presumably personal reward for one's beneficence, both temporal and in the world beyond—rather than a willingness to see the welfare of others as a public responsibility for which no one person or group should seek or take credit and reward for generous, humane planning and action.

The group process always has been harder to sell and abide by than individual, personalized action. Terms like "free enterprise" become hallowed while the very phrases "social services" or "public welfare" create an uneasy stir as if "social" were only an "ism" away from socialism, "services" too plural to be self-serving, "public" so broad as to be common, and "welfare" only a noun away from the derivative "welfare state." I am not suggesting that the problems is wholly one of semantics, although it may be in part. What I am saying is that the very nature of America, beginning with the "rugged individualism" of pioneer days, continuing with the admiration of success (as evidenced in adulation of the industrial tycoon and theater and media personalities), and reenforced by the emphasis on personal drive and individual self-interest contributes to the historical and philosophical background underscoring basic public attitudes and their applications.

Let us face the fact that the welfare concept was legislated into being as a desperation program to help the most under of our underdogs at a time when the nation itself was in the throes of depression. Apart from the aspect of temporary relief from the fear of joblessness, starvation, illness, and untold misery, the program was based from the first on the promise that ultimately it would provide a ladder whereby those publicly aided would climb rung by rung to a level of self-sufficiency and personal responsibility, and human dignity. Perhaps the most legitimate base for unhappiness with the public welfare program is that it has never realized its promise. Enough of the same names appear on welfare roles year after year to give an aura of legitimacy to public complaints about the welfare treadmill. Yet figures show that the children of welfare recipients do move on usually to self-supporting roles in society; and the categories of aid recipients in the main are unemployable. Here lies a great gulf of public misunderstanding.

There are no easy answers to this predicament. An obvious start is to sponsor and support legislation and policies that are designed to give aid recipients a better chance to move off the welfare roles and into the mainstream of economic, social, and political well-being.

An informed public is essential to join in support of the good in present proposals and to come up with even more and better planning and implementation of their own. That, of course, may sound a bit idealistic. Nevertheless there seems to me to be a very real link of hope in the general awareness that improvement of the system is both overdue and important. A substantial part of the challenge is to see that the financing and control is geared to the ultimate welfare of those in need and not to the strictures and inhibitions of sometimes harassed and cautious controllers. Whatever the welfare mechanism, it can work only where the system permits and where substantive considerations of humanity and the broadest public interest are given first priority.

My own conviction here is that the most effective approach for those professionally concerned at state and local levels is to arrive at joint policy decisions as to which congressional, legislative, and administrative actions and directions are desirable and requisite to serve indicated needs at all levels and then to coordinate their efforts to gain support for those endeavors and make the public aware of the reasons why it, too, should support them. When you are fighting not only for the survival of your own career integrity but also for a vast body of people who lack the resources and influence to help themselves, I believe that you are responsible and fully justified to fight with all you have—courageously, legitimately, and persuasively—for causes vital not alone to your image but to the very essence of your service.

Improve Public Relations

My third point is that public relations policy always is a management responsibility. Ultimately decisions have to be made at the top in all levels of government as to the nature of needs and programs and the steps that will be undertaken to gain public understanding and support so as to realize those needs and directions. It is encouraging that the State Department of Social Services is engaged in an effort to bring lay people into public information service by appointing them to advisory committees. Such people already augment those persons composing the State Board of Social Services, the county boards of social services, the county directors and staff members for the 100 departments of social services, and the state employees serving with the Commissioner. All of these people are potentially emissaries of human relations and public information. I say potentially because I am not sure what proportion of them actually is helpful in terms of public relations exper-

tise. It is my understanding that social services has one extremely capable public information officer at state level and that he has no staff except a secretary who also serves as receptionist. Yet the state of Florida has at least 27 persons engaged in public relations in the field of insurance alone. And the state of California has 18 attorneys employed to deal with consumer fraud solely in insurance matters.

The number of public information specialists employed by state government in North Carolina has mushroomed in recent years, reflecting a growing awareness that public recognition of agency and program merit does not come automatically. The turn to the services of persons versed in preparing materials for newspapers, radio, television, films, civic and professional groups, and school programs, etc., and who have some of the talents of the psychiatrist, psychologist, sociologist, and statistician, is a heartening phenomenon. Some state agencies now have public information divisions that include several persons. Even local governments are beginning to draw on these specially qualified men and women. The cities of Raleigh, Winston-Salem, and Charlotte have public information officers, as do the county of Mecklenburg and the Greensboro City School System. Several police departments in the state have taken on legal advisers and public information officers. I have no specific knowledge as to social services needs for public information specialists, but I would venture a guess that the need is for more if we are to hope to try to create a more accurate and sounder public image. In this connection a brochure on public welfare services in North Carolina by Jim Burns is effective, both visually and in content. A crying need exists, I believe, for systemized use of the media to present and explain programs and problems.

Now a question: have the image and the reality of the field representative ever been straightened out? When I last taught field representatives, there was uncertainty as to their interrelationship with the state and local people and agencies and the exact nature of their total responsibilities. I have always felt that such people, properly selected and trained, can serve as highly effective human relations and public information representatives on a regional or district basis throughout the state. I trust that even as I make this comment, it is superflous, and that that function has become an integral and coordinated part of their work. They have the possibility for bringing to the local departments and their field personnel a sense of personal dedication and individual responsibility and for serving as public relations eyes and ears and voices throughout the entire state, thus improving the welfare image.

I notice that there is an effort to make known the variety and depth of the services that are available. This is a welcome development. The public, given an opportunity and perspective, will respond in an affirmative way to such areas as adoptions with its related maternity home care, foster home care, day care, protective services, juvenile delinquency services, Job Corps recruitment, and indeed all social services to children. It also will respond to services to the aging, financial and medical assistance, consultation, and supportive services.

Vague gray outlines or broad identifications without attractive and cogent implementation of the specifics are not sufficient. The intelligent, inquiring leadership of the public wants to know not only what but how and why, and a part of the public relations job is to provide not only the facts but the reasoning. The public understands when facts, opinions, and ideas are put in patterns of meaning. It is too much to ask people to arrive at a true perspective upon incomplete information and insufficient patterning and emphasis.

Finally, no governmental agency can afford not to recognize the special problems of communicating with the public in an age where mass transportation and mass communication have shrunk the world almost to one large living room. Departments of Social Services are competing with literally dozens of other governmental agencies at local, state, and federal level for the ears and eyes of the public. They—or should I say we—are competing with hundreds of private enterprises employing shrewd public relations people creating their own desired special images for themselves and their products on radio, television, films, and in newspapers. We are competing with all the countless groups and individuals, ranging from political candidates to campus demonstrators who want public attention and will go to lengths state agencies cannot afford to get it. We are competing not only with a built-in misunderstanding and public opposition but with the vast public relations machinery of competing organizations, groups, and persons, many of whom have greater resources and a far greater affirmative access to the public consciousness.

The road ahead, then, is long and difficult, but social services is on the side of the angels and ultimately, given a chance, that side is bound to prevail. Your continuing and enduring challenge is to attractively, appropriately, clearly, cogently, and continuingly identify social services with the public weal and, thereby, to give it the chance it deserves.

The author is a member of the Institute of Government staff. This article is adapted from his address to the 51st annual North Carolina Social Services Institute.

Selection of Judges (continued from page 9)

ing commission that makes recommendations to fill other judicial vacancies. Since special judges serve throughout the state, the same at-large commissioners that nominate appellate judges would make the nominations. Terms would be eight years and successive terms would be subject to the same "yes" or "no" retention election as other judges. Incumbent special superior court judges would serve out their current terms but could serve a succeeding term only if selected by the Governor from a list of candidates submitted by the nominating commission. Under this proposal, all special superior court judges would be products of the nonpartisan merit plan by July 1, 1975.[5]

Full implementation of the nonpartisan merit plan will take a number of years. A few recently elected incumbents will have six to eight years to serve before they face a retention election. On the other hand, the attrition rate by resignation, failure of retention, death, or retirement among a corps of 177 judges can be expected to average 15 to 20 judges per year, so that substantial impact can be expected within a couple of years. In any event, faster implementation is hardly practicable. Action at this session of the General Assembly offers the promise of personnel improvements by the mid-seventies to add luster to the structural improvements of the mid-sixties.

5. One Courts Commission member, A. A. Zollicoffer, Jr., does not concur in the recommendation of this section to amend the Constitution and "completely change the entire procedure of the selection of Justices and Judges for all the Courts of North Carolina." It is his opinion that the recommended change is "neither necessary nor in the best interest of the administration of justice in North Carolina."

Book Review

URBAN POLICY MAKING: THE COUNCIL-MANAGER PARTNERSHIP, by Arthur W. Bromage. Chicago: Public Administration Service, 1970. 64p paperbound. $3.00.

This monograph is the third of a series published by Public Administration Service on the council-manager plan for city government and the city manager profession. The author, who has served as a councilman in Ann Arbor, Michigan, and has worked with city managers through his active participation in teaching and consulting in the public administration field, addresses himself to the issue of development and final determination of policy within a council-manager structure. Professor Bromage stresses that the degree of influence exercised by a manager on council policy decisions should vary according to the kind of issue being considered. For example, on technical questions such as budgetary practices and public construction projects, and on all issues affecting administrative organization, the manager can be expected to exercise a positive influence. On the other hand, he should simply provide needed information and remain neutral on partisan political issues, questions of public vs. private ownership, and moral and regulatory issues. In still other areas, he will adopt a middle ground of limited recommendations.

Urban Policy Making: The Council-Manager Partnership discusses the need for improved communication between the council and informal power groups or interest groups among the people. Citizens' advisory committees, appointed for a specific purpose by the council or the mayor and aided in research an analysis by the city manager and his staff, are among the most effective approaches to such communication. These committees also enable the city manager to exercise indirect influence on council policy decisions without violating his nonpartisan status.

The challenge for council-manager cities today is to use the special powers and abilities of both manager and council to shape policy, without blurring the distinctions between the role of the appointed administrator and that of the elected councilmen.

New Books in the Institute Library

Aries, Phillippe. *Centuries of Childhood.* New York: Knopf, 1962. $8.50

Bair, Frederick Haigh. *Planning Cities, Selected Writings on Principles and Practice,* by Frederick H. Bair Jr., edited by Virginia Curtis. Chicago: American Society of Planning Officials, 1970. $12.50

Becker, Harold K. *Issues in Public Administration.* Metuchen, New Jersey: Scareerow Press, 1970. $7.50

Bromage, Arthur W. *Urban Policy Making: the Council-Manager Partnership.* Chicago: Public Administration Service, 1970.

Clark, William Lawrence. *A Treatise on the Law of Crimes.* Chicago: Public Administration Service, 1970.

Contempt, Transcriptions of Contempt Citations, Sentences and Responses of the Chicago Conspiracy Ten. Chicago: The Swallow Press, 1970. $7.50

Cortner, Richard C. *The Apportionment Cases.* Knoxville: University of Tennessee Press, 1971.

Dasmann, Raymond Frederick. *A Different Kind of Country.* New York: Macmillan, 1968. $5.95

DeBeaumont, Gustave. *On the Penitentiary System in the United States and Its Application in France,* by Gustave de Beaumont and Alexis de Toqueville. New York: Augustus M. Kelley, 1970 (reprint of 1833 edition). $10.00

Elazar, Daniel J. *Cities of the Prairie; the Metropolitan Frontier and American Politics.* New York: Basic Books, 1970. $10.00

Ellul, Jaeques. *The Meaning of the City.* Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 1970. $5.95

Finley, Elizabeth. *Manual of Procedure for Private Law Libraries.* South Haekensaek, New Jersey: Fred B. Rothman and Company, 1966. $8.50

Gerberding, William P. *The Radical Left: Abuses of Discontent.* New York: Houghton-Mifflin, 1970. $8.95

Henderson, Richard B. *Maury Maverick: a Political Biography.* Austin: University of Texas Press, 1970. $8.50

Knobbe, Mary L. *Planning and Urban Affairs Library Manual.* Monticello, Illinois: Council of Planning Librarians, 1970. $10.00

Tracey, Estelle R. *Arbitration Cases in Public Employment.* New York: American Arbitration Association, 1969. $8.50

U. S. National Commission on the Causes and Prevention of Violence. Final Report . . . *To Establish Justice, to Insure Domestic Tranquility.* New York: Praeger, 1970.

Weston, Paul B. *Criminal Investigation: Basic Perspectives.* Englewood Cliffs, New Jersey: Prentice-Hall, 1970. $10.95

Wolfinger, Raymond E. *Readings on Congress.* Englewood Cliffs, New Jersey: Prentice-Hall, 1971. gift

Wolstenholme, Gordon E. *Law and Ethics of Transplantation.* London: J. A. Churchill, 1968. $2.40

1970 North Carolina County Population Counts

There are final counts from the 1970 Advance Population Reports published by the United States Bureau of the Census.

Alamance	96,362	Johnston	61,737
Alexander	19,466	Jones	9,779
Alleghany	8,134	Lee	30,467
Anson	23,488	Lenoir	55,204
Ashe	19,571	Lincoln	32,682
Avery	12,655	McDowell	30,648
Beaufort	35,980	Macon	15,788
Bertie	20,528	Madison	16,003
Bladen	26,477	Martin	24,730
Brunswick	24,223	Mecklenburg	354,656
Buncombe	145,056	Mitchell	13,447
Burke	60,364	Montgomery	19,267
Cabarrus	74,629	Moore	39,048
Caldwell	56,699	Nash	59,122
Camden	5,453	New Hanover	82,996
Carteret	31,603	Northampton	24,009
Caswell	19,055	Onslow	103,126
Catawba	90,873	Orange	57,707
Chatham	29,554	Pamlico	9,467
Cherokee	16,330	Pasquotank	26,824
Chowan	10,764	Pender	18,149
Clay	5,180	Perquimans	8,351
Cleveland	72,556	Person	25,914
Columbus	46,937	Pitt	73,900
Craven	62,554	Polk	11,735
Cumberland	212,042	Randolph	76,358
Currituck	6,976	Richmond	39,889
Dare	6,995	Robeson	84,842
Davidson	95,627	Rockingham	72,402
Davie	18,855	Rowan	90,035
Duplin	38,015	Rutherford	47,337
Durham	132,681	Sampson	44,954
Edgecombe	52,341	Scotland	26,929
Forsyth	214,348	Stanly	42,822
Franklin	26,820	Stokes	23,782
Gaston	148,415	Surry	51,415
Gates	8,524	Swain	7,861
Graham	6,562	Transylvania	19,713
Granville	32,762	Tyrrell	3,806
Greene	14,967	Union	54,714
Guilford	288,590	Vance	32,691
Halifax	53,884	Wake	228,453
Harnett	49,667	Warren	15,810
Haywood	41,710	Washington	14,038
Henderson	42,804	Watauga	23,404
Hertford	23,529	Wayne	85,408
Hoke	16,436	Wilkes	49,524
Hyde	5,571	Wilson	57,486
Iredell	72,197	Yadkin	24,599
Jackson	21,593	Yancey	12,629

Total population, State of North Carolina 5,082,059